

THE CITY OF NEW YORK  
**LAW DEPARTMENT**

100 Church St.  
New York, NY 10007

**MICHAEL A. CARDOZO**  
Corporation Counsel

**PRATHYUSHA REDDY**  
Assistant Corporation Counsel  
Tel: (212) 788-0963  
Fax: (212) 788-9776

September 5, 2007

**BY FAX**

The Honorable Naomi R. Buchwald  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Andrew Mattox v. City of New York, et al., 07 CV 7266 (NRB)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel, attorney for defendant City of New York. I write with regard to the above-referenced matter in which plaintiff alleges that on or about October 24, 2006, he was subjected to excessive force by police officers. Defendant respectfully requests that the time to respond to the complaint be extended from the current due date of September 11, 2007, to November 12, 2007. Plaintiff's attorney, Mr. Fred Lichtmacher, consents to this request.

There are several reasons for seeking an enlargement of time. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint. It is our understanding that the records of the underlying criminal action, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office is in the process of forwarding to plaintiff for execution a consent and authorization for the release of sealed records so that defendant can access the information, properly assess the case, and respond to the complaint. In addition, because plaintiff has alleged physical injury as a result of the events complained of, this office is also forwarding to plaintiff for execution a consent and authorization for the release of medical records, limited, at this juncture, to medical records concerning treatment received as a result of the alleged incident.

Furthermore, upon information and belief, the named individual officer defendants Hariton Marachilian and Sheldon Franklyn were served with the summons and complaint in this action. This office has not discussed with the defendants the manner of service, and we make no representation herein as to the adequacy of process on them. Although this office does not currently represent the individual defendants in this action, and assuming they

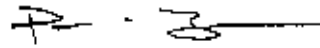
So  
ordered.  
Naomi  
Reddy  
9/6/07

were properly served, this office respectfully requests this extension on their behalf, in order that their defenses are not jeopardized while representational issues are being decided. *See Mercurio v. The City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

No previous request for an extension has been made by defendants. Accordingly, we respectfully request that defendants' time to answer or otherwise respond to the complaint be extended to November 12, 2007.

Thank you for your consideration herein.

Respectfully submitted,



Prathyusha Reddy (PR 5579)  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc:

**BY FAX**

Fred Lichtmacher, Esq.  
Attorney for Plaintiff  
350 5<sup>th</sup> Avenue  
Suite 7116  
New York, New York 10118